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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-7081-GHK (AJWx)

Date May 22, 2013

Title *Super-Krete International, Inc. v. Superceet.com, et al.*

Presiding: The Honorable

GEORGE H. KING, CHIEF U.S. DISTRICT JUDGE

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: (In Chambers) Order to Show Cause

On April 19, 2013, we denied Defendant Jerry Lee's ("Lee") motions to dismiss for lack of personal jurisdiction and improper venue in their entirety. We ordered Lee to file an answer within fourteen days. The deadline has passed, and Lee has failed to timely file an answer. Accordingly, Plaintiff Super-Krete International, Inc. ("Plaintiff") is **DIRECTED** to request default against Lee. Plaintiff **SHALL** provide a courtesy copy of such request to chambers. If Plaintiff fails to request entry of default against Lee, **within fourteen (14) days hereof**, Plaintiff **SHALL**, within the same **fourteen (14) days**, show cause, in writing, why Lee should not be dismissed for Plaintiff's failure to diligently prosecute and to comply with our Orders. Failure to timely request entry of default or show cause as required herein shall be deemed Plaintiff's abandonment of this action as to Lee. In that event, this action will be dismissed as to Lee, without prejudice, for failure to prosecute and failure to comply with our Orders.

The docket reflects that the following Defendants have not been served: (1) superceet.com; (2) supercrete.org; (3) supercrete.com.au; (4) Value-Domain, Inc.; (5) Cavan Forde; (6) John Haberla; and (7) Balmain Loan Lease and Investment Co. PTY Ltd. ("Unserved Defendants"). As it has been more than 120 days since January 11, 2013, when the First Amended Complaint ("FAC") became the operative pleading, we "must dismiss the action without prejudice . . . or order that service be made within a specified time." Fed. R. Civ. Proc. 4(m). Accordingly, Plaintiff is **ORDERED** to file proof of proper service on the Unserved Defendants **within fourteen (14) days hereof, or show cause**, in writing, by that same date, why proper service was not effected. Failure to do so shall be deemed Plaintiff's abandonment of this action as to the Unserved Defendants and the case will be dismissed as to them, without prejudice, for failure to prosecute and failure to comply with our Orders.

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On March 12, 2013 we directed Plaintiff to seek default against three served defendants (Jason Ferrazzi; Supercrete Designs, LLC; and Josh Dickman) or show cause why the served defendants should not be dismissed for failure to prosecute and comply with our Orders. The docket reflects that Plaintiff has sought and obtained default against these defendants. Accordingly, our March 12, 2013 order to show cause is **DISCHARGED**.

IT IS SO ORDERED.

Initials of Deputy Clerk

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